

UNITED STATE DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

David Burns

Case No. 06-cv-131-PB

v.

Warden, New Hampshire State Prison

O R D E R

The petitioner has failed to respond to respondent's motion for summary judgment despite having received several extensions. Accepting the facts properly pleaded in support of the motion as true, I determine that respondent is entitled to judgment as a matter of law. The motion for summary judgment (Doc. No. 33) is granted.

Because the petitioner has failed to make a substantial showing of the denial of a constitutional right, the court declines to issue a certificate of appealability. See 28 U.S.C. § 2253(c)(2); Rule 11, Rules Governing Habeas Corpus Cases Under Section 2254; First Cir. LR 22.0.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

July 20, 2011

cc: David Burns, pro se
Elizabeth Woodcock, Esq.